IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 12877 of 2007(G)

PETITIONER:

CHANDRASEKHARAN,S/O.THUKRA SAFALYA,
KODINHILI HOUSE,MAJBAIL VILLAGE,KASARGOD TALUK &
DISTRICT.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS:

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1. STATE OF KERALA REP.BY ITS SECRETARY,
EXCISE DEPARTEMENT,SECRETARIAT,THIRUVANANTHAPURAM.

2. THE ASSISTANT EXCISE COMMISSIONER,
KASARGOD.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 12877 OF 2007 - G

Dated this the 12th day of April, 2007

J U D G M E N T

The petitioner's motor cycle has been seized by the second respondent on allegation of transport of 48 bottles of Indian made foreign liquour. Confiscation proceedings have been initiated under the Abkari Act and Ext.P1 notice has been issued whereby the petitioner was permitted interim custody on condition that he deposits an amount of Rs.28,000/- which was assessed as the market value of the vehicle and also to produce proof of ownership of the vehicle. The petitioner has filed this writ petition challenging Ext.P1 stating that he is prepared to furnish bank guarantee for the amount demanded.

2. However, I feel that Ext.P1 has been passed in accordance with Rule 4(2)(a) of the Kerala Abkari (Disposal of Confiscated Articles) Rules, 1996. In view of the amount involved and the offence alleged, I do not find anything wrong with Ext.P1 order. Therefore, I do not find any merit in the writ petition and the same is dismissed.

Mbs/ **S. SIRI JAGAN, JUDGE.**

Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007